

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2013-906*

12 **ROSE O. UCHENDU, AKA**
13 **ROSE OBIAGELI UCHENDU**
428 Laurel Hill Lane
14 Murphy, Texas 75094

A C C U S A T I O N

15 **Registered Nurse License No. 695794**

16 Respondent.

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18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about January 23, 2007, the Board issued Registered Nurse License
24 Number 695794 to Rose O. Uchendu, also known as Rose Obiageli Uchendu ("Respondent").
25 The Registered Nurse License expired on August 31, 2008, and has not been renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
5 Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
7 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
8 to render a decision imposing discipline on the license.

9 5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
10 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
11 period within which the license may be renewed, restored, reissued, or reinstated.

12 **STATUTORY PROVISIONS**

13 6. Code section 2761 provides, in pertinent part:

14 The board may take disciplinary action against a certified or licensed nurse or
15 deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

17 (4) Denial of licensure, revocation, suspension, restriction, or any other
18 disciplinary action against a health care professional license or certificate by another
19 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

20 **COST RECOVERY**

21 7. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that effective September 30, 2010, pursuant to an
5 *Agreed Order* (attached hereto as **Exhibit A** and incorporated herein by reference), in a
6 disciplinary proceeding entitled *In the Matter of Registered Nurse License Number 590550 Issued*
7 *to Rose Obiageli Uchendu*, the State of Texas Board of Nursing sanctioned and imposed terms
8 and conditions on Respondent, including the successful completion of nursing courses in
9 documentation, jurisprudence and ethics, and critical thinking skills. The basis of said discipline
10 is that the Texas Board of Nursing found that while employed as a staff nurse with the Children's
11 Medical Center in Dallas, Texas, Respondent did the following:

12 a. On or about March 26, 2009, Respondent failed to clarify a physician's order for a
13 patient for a Direct Fluorescent Assay test, depriving the physician of timely and essential
14 information to treat that patient, and failed to document the administration of an Albuterol
15 breathing treatment to that patient, resulting in an inaccurate and incomplete medical record for
16 subsequent caregivers.

17 b. On or about May 22, 2009, Respondent failed to assess and document a patient's
18 pulses and Aldrete Score before discharging that patient, depriving that patient of timely detection
19 and medical intervention in the event of a change in condition and resulting in an incomplete
20 medical record for subsequent caregivers.

21 **PRAYER**

22 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

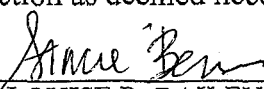
24 1. Revoking or suspending Registered Nurse License Number 695794, issued to
25 Rose O. Uchendu, also known as Rose Obiageli Uchendu;

26 2. Ordering Rose O. Uchendu, also known as Rose Obiageli Uchendu, to pay the Board
27 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 13, 2013

for 
LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

Agreed Order, Eff. September 30, 2010

*In the Matter of Registered Nurse License Number 590550 Issued to Rose Obiageli Uchendu
State of Texas Board of Nursing*

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 590550 §
issued to ROSE OBIAGELI UCHENDU § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ROSE OBIAGELI UCHENDU, Registered Nurse License Number 590550, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on September 7, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel. Respondent was represented by Ronald P. Wright, Attorney at Law. In attendance were Mary Beth Thomas, Ph.D, RN, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Nancy Krause, RN, Investigator.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from The City College of New York, New York, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on April 5, 1993.

5. Respondent's nursing employment history includes:

11/1992 - 6/1996	Staff/Charge Nurse	Brooke Army Medical Center Fort Sam Houston, Texas
6/1996 - 6/2000	Assistant Head Nurse	Army Community Hospital Heidelberg, Germany
7/2000 - 8/2000	Unknown	
9/2000 - 9/2003	Charge Nurse	Eisenhower Army Medical Center Fort Gordon, Georgia
10/2003 - 1/2004	Unknown	
2/2004 - 2/2006	Charge Nurse	Washington Hospital Center Washington, D.C.
3/2006 - 5/2006	Unknown	
4/2006 - 12/2006	Director of Nursing	Peace Home Health, Inc. Richardson, Texas
9/2006 - 8/2007	Staff Nurse	Memorial Hospital Dallas Dallas, Texas
3/2007 - 11/2008	Staff Nurse	Parkland Health & Hospital System Dallas, Texas
12/2008 - 6/2009	Staff Nurse	Children's Medical Center of Dallas Dallas, Texas
7/2009 - Present	Unknown	

~~6. At the time of the incidents in Finding of Fact Number Seven (7) and Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse with Children's Medical Center, Dallas, Texas, and had been in this position for four (4) months.~~

7. On or about March 26, 2009, while employed as a Staff Nurse with Children's Medical Center, Dallas, Texas and assigned to Patient MR#1530359, Respondent failed to clarify the physician's order for a Direct Fluorescent Assay (DFA) test and inappropriately instructed the unit secretary to order a Viral Cytomegalovirus (CMV) DFA test, instead of an Respiratory Syncytial Virus (RSV) DFA test. Patient MR#1530359 had a cold and the physician ordered an RSV DFA test to assure the patient could be cleared for a surgical procedure. Respondent's conduct deprived the physician of timely and essential information to base ongoing medical care.
8. On or about March 26 2009, while employed as a Staff Nurse with Children's Medical Center, Dallas, Texas, and assigned to patient MR# 150359, Respondent failed to document the administration of an Albuterol breathing treatment. Respondent's conduct resulted in an inaccurate and incomplete medical record on which care givers would rely upon to provide further medical care.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states she reminded the physician to write the orders for the nebulizer treatment and the test, and when she took the chart to the unit secretary, the secretary questioned which lab test was ordered. Respondent reports she told the unit secretary to page the physician and clarify the order. Respondent states that the physician did not call back and the next day Respondent received a verbal counseling for not clarifying the order. Respondent asserts she did not instruct the unit secretary to order a Viral CMV DFA test.
10. In response to the incident in Finding of Fact Number Eight (8), Respondent states she did not note the time or initial the treatment, but asserts that she did document the administration of the treatment on the pre-op checklist.
11. At the time of the incident in Finding of Fact Number Twelve (12), Respondent was employed as a Staff Nurse with Children's Medical Center, Dallas, Texas, and had been in this position for six (6) months.
12. On or about May 22, 2009, while employed as a Staff Nurse with Children's Medical Center of Dallas, Dallas, Texas, and assigned to Patient MR#3047707, Respondent failed to assess and document the patient's pulses and Aldrete Score before discharging the patient. Respondent's conduct deprived the patient of timely detection and medical intervention in the event the patient experienced a change in condition. Additionally, Respondent's conduct resulted in an incomplete medical record, which subsequent caregivers would rely on to provide ongoing medical care.
13. In response to the incident in Finding of Fact Number Twelve (12), Respondent states she did fail to document the pulses and Aldrete Score before discharging the patient.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D)&(1)(N). and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Nurse License Number 590550, heretofore issued to ROSE OBIAGELI UCHENDU, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall

include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of Sept, 2010.

Rochender

ROSE OBIAGELI UCHENDU, RESPONDENT

Sworn to and subscribed before me this 24 day of September, 2010.

SEAL

Virginia Cruz Diaz

Notary Public in and for the State of Texas



Approved as to form and substance.


Ronald P. Wright

Ronald P. Wright, Attorney for Respondent

Signed this 27 day of Sept, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 24th day of September, 2010, by ROSE OBIAGELI UCHENDU, Registered Nurse License Number 590550, and said Order is final.

Effective this 30th day of September, 2010.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

